Park, Chan

From: Benson, Carl [CBenson@goodwinprocter.com]
Sent: Friday, October 01, 2010 11:00 AM
To: Park, Chan
Cc: Scott Jr, Thomas J
Subject: Application Serial No. 08/444,758
Attachments: NAUT 87 - Jun 2010 Proposed Amendment2.DOC

Examiner Park,

Your proposed amendments are acceptable to place this application in a condition for allowance. Please enter the amendments by examiner's amendment. Please contact us should you require anything further regarding this application.

As set forth in MPEP 502.03, we recognize that Internet communications are not secure. According, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

Carl L. Benson
GOODWIN | PROCTER LLP
901 New York Avenue, N.W.
Washington, D.C. 20001
T: 202.346.4018
F: 202.346.4444
<www.goodwinprocter.com>

From: Park, Chan [mailto:Chan.Park@USPTO.GOV]
Sent: Thursday, September 30, 2010 4:31 PM
To: Benson, Carl
Subject: RE: Application Serial No. 08/444,758

Mr. Benson,

Please see the attached proposed amendment. This final set of claims would be sufficient to put the application in a condition for allowance.

Regards,

Chan Park.

From: Benson, Carl [mailto:CBenson@goodwinprocter.com]
Sent: Thursday, September 30, 2010 2:31 PM
To: Park, Chan
Cc: Scott Jr, Thomas J
Subject: RE: Application Serial No. 08/444,758

Examiner Park,

Attached is a revised proposed amendment to the claims of Application Serial No. 08/444,758. The revisions address the concerns raise in our telephone conversation earlier today. Please let us have any comments or questions regarding these proposed amendments.

As set forth in MPEP 502.03, we recognize that Internet communications are not secure. According, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

<<NAUT 87 - Jun 2010 Proposed Amendment.DOC>>

Carl L. Benson
GOODWIN | PROCTER LLP
901 New York Avenue, N.W.
Washington, D.C. 20001
T: 202.346.4018
F: 202.346.4444
<www.goodwinprocter.com>

****

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

****
****

This message is intended only for the designated recipient(s). It may contain confidential or

****

Examiner Chan Park

DRAFT PROPOSED AMNEDMENT

1. (Cancelled)

2. (Cancelled) ~~A method of communicating programming to at least one user in a network, said network comprising at least one programming origination station, a plurality of intermediate transmission stations, and a plurality of user stations, each of said plurality of intermediate transmission stations receiving programming from said at least one programming origination station and retransmitting said received programming to at least one of said plurality of user stations, said method comprising the steps of:~~

~~scheduling a time for transmitting said programming from each of said plurality of intermediate transmission stations to said at least one user, said scheduled time differing from intermediate station to intermediate station;~~

~~communicating to a computer at each of said plurality of intermediate transmission stations said scheduled time for each of said plurality of intermediate transmission stations to transmit said programming to said at least one user;~~

~~transmitting said programming to said plurality of intermediate transmission stations;~~

~~controlling each of said plurality of intermediate transmission stations to receive and store said programming for a period of time; and~~

~~controlling each of said plurality of intermediate transmission stations to transmit said received and stored programming at said scheduled time for each of said plurality of intermediate transmission stations.~~

3. (Cancelled) ~~A method of communicating programming to at least one user in a network, said network comprising at least one programming origination station, a plurality of intermediate transmission stations, and a plurality of user stations, each of said plurality of intermediate transmission stations receiving programming from said at least one programming origination station and retransmitting said received programming to at least one of said plurality of user stations, said method comprising the steps of:~~

~~scheduling one of a channel and a frequency for transmitting said programming from each of said plurality of intermediate transmission stations to said at least one user station, said one of said scheduled channel and said scheduled frequency differing from intermediate station to intermediate station;~~

~~communicating to a computer at each of said plurality of intermediate transmission stations said one of said scheduled channel and said scheduled frequency for each of said plurality of intermediate transmission stations to transmit said programming to said at least one user station;~~

~~transmitting said programming to said plurality of intermediate transmission stations;~~

~~controlling each of said plurality of intermediate transmission stations to select and store said programming for a period of time; and~~

~~controlling each of said plurality of intermediate transmission stations to transmit said selected and stored programming on said one of said scheduled channel and said scheduled frequency for each of said plurality of intermediate transmission stations.~~

4. (Cancelled) ~~A method of communicating programming to at least one user in a network, said network comprising at least one programming origination station, a plurality of intermediate transmission stations, and a plurality of user stations, each of said plurality of intermediate transmission stations receiving programming from said at least one programming origination station and retransmitting said received programming to at least one of said plurality of user stations, said method comprising the steps of:~~

~~scheduling one of a time and a channel and a frequency for transmitting a portion of said programming from each of said plurality of intermediate transmission stations to said at least one user, said portion of said programming differing from intermediate station to intermediate station;~~

~~communicating to a computer at each of said plurality of intermediate transmission stations said one of said scheduled time and said scheduled channel and said scheduled frequency in order for each of said plurality of intermediate transmission stations to transmit said programming to said at least one user;~~

~~transmitting said programming to said plurality of intermediate transmission stations;~~

~~controlling each of said plurality of intermediate transmission stations to receive at least some of said programming for a period of time; and~~

~~controlling each of said plurality of intermediate transmission stations to transmit said at least some of said programming at said one of said scheduled time and said scheduled channel and said scheduled frequency for each of said plurality of intermediate transmission stations.~~

5-23. (Cancelled)

24. (Cancelled) ~~The method of claim 2, wherein said programming is television programming, said television programming including audio and full motion video.~~

25. (Cancelled) ~~The method of claim 3, wherein said programming is television programming, said television programming including audio and full motion video.~~

26. (Cancelled) ~~The method of claim 4, wherein said programming is television programming, said television programming including audio and full motion video.~~

27-30. (Cancelled)

31. (Currently amended) A method of communicating programming to subscribers in a network, said network including one or more programming origination stations, a plurality of intermediate transmission stations, and a plurality of subscriber stations, each intermediate transmission station receiving programming from one of said origination stations and retransmitting said received programming to at least one of said subscriber stations, each intermediate transmission station including ~~one or more memories~~ a plurality of storage locations and a switch operatively connected to said ~~one or more memories~~ plurality of storage locations, said method comprising the steps of:

storing at each of said plurality of intermediate transmission stations data of predetermined capacities;

transmitting**, from at least one of said one or more programming origination stations,** a plurality of units of audio or video programming to said plurality of intermediate transmission stations;

transmitting **from said at least one of said one or more programming origination stations** to said plurality of intermediate transmission stations data that identify said units of audio or video programming or ~~a~~ subject matter included in said units of audio or video programming;

processing said stored data of said predetermined capacities at each intermediate transmission station to identify one of said plurality of storage **locations** at which to store at least one of said plurality of units of audio or video programming**, wherein said identified storage locations are different for each of said plurality of units of audio or video programming;**

controlling said switch at each of said plurality of intermediate transmission stations to receive and store said units of audio or video programming ~~for~~ at said **identified one of** plurality of storage locations in accordance with said step of processing stored data of said predetermined capacities;

processing said data that identify said units of audio or video programming or subject matter included in said units of audio or video programming at each intermediate transmission station to determine a period of time for which to store said units of audio or video programming;

controlling said switch at each intermediate transmission station to ~~communicate said received and stored~~ to transfer **said** at least one of said units of programming from **said identified** one of said plurality of storage locations to another of said plurality of storage locations in accordance with said step of processing said stored data of said predetermined capacities and said step processing said data that identify said units of audio or video programming or subject matter included in said units of audio or video programming; and

controlling said switch each of said plurality of intermediate transmission stations to transmit said received and stored units of audio or video programming to at least one of said subscriber ~~station~~ stations in accordance with said step of processing said data that identify said units of audio or video programming or subject matter included in said units of audio or video programming.

32. (Currently amended) The method of claim 31, wherein ~~each switch~~ **said switch at each of said plurality of intermediate transmission stations** includes a plurality of inputs or a plurality of outputs and ~~said~~ further comprising the step of storing data of predetermined characteristics ~~specify~~ at each of said plurality of intermediate transmission stations, said data of predetermined characteristics specifying at least one source of input to or device that receives output from said switch.

33. (Currently amended) The method of claim ~~31~~ 32, further comprising the step of programming a computer to control at least one intermediate transmission station according to said stored predetermined characteristics.

34. Cancelled

35. (Currently amended) The method of claim 31, wherein each of said plurality of intermediate transmission stations transmits said units of audio or video programming to a subscriber in a broadcast or cablecast programming channel transmission, said method further comprising the steps of:

receiving from said one or more programming origination stations a signal including some other units of programming of said broadcast or cablecast programming channel transmission; and

controlling each switch at said plurality of intermediate transmission stations to communicate said other units of programming from a receiver to a transmitter.

36. (Currently amended) The method of claim 35, further comprising the steps of:

communicating a schedule to at least one controller; and

controlling at least one intermediate transmission station to communicate said units of programming according to said schedule.

37. (Previously presented) The method of claim 31, wherein said switch at each of said plurality of intermediate transmission stations comprises one or more of a digital switch and a matrix switch.

38. (Currently amended) A method of communicating programming to subscribers in a network, said network including one or more programming origination stations, a plurality of intermediate transmission stations, and a plurality of subscriber stations, each intermediate transmission station receiving audio or video programming from said origination stations, each intermediate transmission stations including one or more selective communications devices **and a plurality of storage locations**, said method comprising the steps of:

~~(1)~~ ~~receiving~~ passing a plurality of units of audio or video programming to a transmitter at said one or more programming origination stations;

~~(2)~~ ~~receiving,~~ passing to said transmitter at said one or more programming origination stations, data identifying said units of audio or video programming or ~~a~~ subject matter included in said units of audio or video programming, said data effective **to instruct:** ~~to:~~

~~(a) effect~~ at least ~~a first~~ one of said plurality of intermediate transmission stations to ~~receive and store said programming for a period of time and~~ to indicate when to retransmit said

plurality of units of audio or video programming to at least one of said plurality of subscriber stations, wherein ~~said one or more selective communications devices at said at least a first intermediate transmission station are controlled based on~~ data of one or more predetermined transmission station capacities is processed at said at least one of said plurality of intermediate transmission stations to identify **one of said plurality of storage locations** at which to store at least one said plurality of units of audio or video programming,

wherein said identified storage locations are different for each of said plurality of units of audio or video programming, and

wherein said stored at least one of said **plurality of** units of programming is transferred from **said identified** one of said plurality of storage locations to another of said plurality of storage locations based on said data identifying said units of audio or video programming or subject matter included in said units of audio or video programming and said data of one or more predetermined transmission station capacities~~; or~~

~~(b) effect at least a second of said plurality of intermediate transmission stations to receive and store said programming for a period of time and retransmit said programming to at least one of said plurality of subscriber station, wherein said one or more selective communications devices at said at least a second of said plurality of intermediate transmission stations are controlled based on data of one or more predetermined transmission station capacities~~; and

(3) transmitting said plurality of units of audio or video programming and said data that identify said units of audio or video programming or ~~a~~ subject matter included in said units of audio or video programming **to said plurality of intermediate transmission stations**.

39. (Currently amended) The method of claim 38, wherein said one or more selective communications devices at said at least ~~a first~~ one of said plurality of intermediate transmission ~~station~~ stations comprise a switch ~~which~~ with a plurality of outputs and said predetermined transmission station capacities specify a plurality of ~~memories~~ storage devices and/or transmitters operatively connected to said plurality of outputs.

40. (Currently amended) The method of claim 38, wherein said one or more selective communications devices at said at least ~~a second~~ one of said plurality of intermediate transmission ~~station~~ stations comprise a switch ~~which~~ with a plurality of inputs and outputs and said predetermined ~~receiver~~ transmission station capacities specify a plurality of ~~memories~~ storage devices and/or receivers operatively connected to said plurality of inputs and outputs.

41. (Currently amended) The method of claim 38, wherein said one or more selective communications devices at said at least one of said plurality of intermediate transmission stations comprise a plurality of storage locations, said method further comprising the step of embedding said data in a signal including said plurality of units of audio or video programming before transmitting said plurality of units of audio or video programming to said at least one of said plurality of intermediate transmission stations.

42. (Currently amended) The method of claim 38, wherein said data that identify said units of audio or video programming comprise a schedule, said method further comprising the step of transmitting at least some of said schedule to said at least ~~a second~~ one of said plurality of intermediate transmission stations before transmitting said plurality of units of audio or video programming.

43. Cancelled

44. (Currently amended) An intermediate transmission station, comprising:

~~one or more~~ a first receiver ~~means for receiving~~ that receives from one or more remote programming origination stations a plurality of units of audio or video programming and data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming;

~~one or more~~ a first storage ~~means for storing~~ device that stores data of predetermined capacities;

~~one or more~~ a first switch ~~means~~ operatively connected to said ~~one or more~~ first receiver ~~means for communicating~~ that communicates said units of audio or video programming;

~~one or more~~ a plurality of second storage ~~means~~ devices operatively connected to at least one of said ~~one or more~~ first receiver ~~means~~ and said ~~one or more~~ first switch ~~means for storing~~ **for storing** said units of audio or video programming;

~~one or more~~ a transmitter ~~means~~ operatively connected to at least one of said ~~one or more~~ first switch ~~means~~ and said ~~one or more~~ plurality of second storage ~~means~~ devices to transmit said plurality of units of audio or video programming to **a subscriber station at a timing determined by processing said data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming**; and

~~one or more~~ a first ~~control means for controlling~~ controller that processes said ~~one or more first switch means based on said~~ data of one or more predetermined capacities to identify one of said plurality of second storage devices at which to store at least one of said units of audio or video programming, that controls said first switch to **store** said at least one of said units of audio or video programming **at** said identified one of said plurality of second storage devices in accordance with processing said data of one or more predetermined capacities, that processes said data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming, that controls said first switch to transfer **said stored** at least one of said units of audio or video programming from **said identified** one of said plurality of second storage devices to another of said plurality of storage devices, and that controls said first switch to communicate said units of audio or video programming to said transmitter,

wherein said identified storage locations are different for each of said units of audio or video programming.

45. (Currently amended) The intermediate transmission station of claim 44, further comprising ~~one or more~~ a second receiver ~~means~~ operatively connected to said ~~one or more~~ first switch ~~means for receiving~~ that receives one or more broadcast or cablecast programming channels from said one or more remote programming origination stations.

46. (Currently amended) The intermediate transmission station of claim 45, further comprising ~~one or more~~ a second switch ~~means~~ operatively connected to said ~~one or more~~ second receiver ~~means for communicating~~ ~~said~~ that communicates additional units of audio or video programming received in said one or more broadcast or cablecast programming channels to said ~~one or more first receiver means~~ plurality of second storage devices.

47. (Currently amended) The intermediate transmission station of claim 45, further comprising ~~one or more~~ a first detector ~~means~~ operatively connected to at least one of said first receiver and said second receiver ~~means for detecting~~ that detects said data.

48. (Currently amended) The intermediate transmission station of claim 45, further comprising ~~one or more~~ a second detector ~~means~~ operatively connected to at least one of said first receiver and said second receiver ~~means for detecting~~ that detects predetermined automatic processing information.

49. (Currently amended) The intermediate transmission station of claim 44, wherein said ~~one or more~~ first switch ~~means are~~ is operatively connected to ~~a first of~~ said ~~one or more~~ second storage ~~means~~ device, said station further comprising:

~~one or more~~ a second switch ~~means~~ operatively connected to ~~at least a second of~~ said ~~one or more~~ plurality of second storage ~~means~~ devices; and

~~one or more~~ a second ~~control means~~ controller operatively connected to said ~~one or more~~ second switch ~~means for controlling~~ that controls said ~~one or more~~ second switch ~~means~~ to communicate said units of programming to at least one of said ~~at least a~~ plurality of second storage ~~means~~ devices.

50. (Currently amended) The intermediate transmission station of claim 49, further comprising ~~one or more~~ a third ~~control means~~ controller operatively connected to said ~~at least a~~ plurality of second storage ~~means for controlling~~ devices that controls said ~~at least a~~ plurality of second storage ~~means~~ devices to store or communicate said programming.

51. (Currently amended) The intermediate transmission station of claim 50, further comprising ~~one or more~~ a detector ~~means~~ operatively connected to one or more of said first controller, said second controller, and said third ~~control means for detecting~~ controller that detects automatic processing information.

52. (Currently amended) A method of communicating audio or video programming to subscribers in a network, said network including one or more programming origination stations, a plurality of intermediate transmission stations, and a plurality of subscriber stations, each intermediate transmission station receiving a plurality of units of audio or video programming from one of said origination stations and retransmitting at least one of said received units of audio or video programming to at least one of said subscriber stations**, each intermediate transmission station including a plurality of storage devices**, said method comprising the steps of:

storing at each of said plurality of intermediate transmission stations predetermined intermediate transmission station capacities;

transmitting**, from at least one of said one or more programming origination stations,** predetermined intermediate transmission station automatic processing information to said plurality of intermediate transmitter stations;

transmitting**, from said at least one of said one or more programming origination stations,** a plurality of units of audio or video programming to said plurality of intermediate transmission stations;

transmitting **from said at least one of said one or more programming origination stations** to said plurality of intermediate transmission stations data that identify said units of audio or video programming or a subject matter included in said units of audio or video programming;

controlling each of said plurality of intermediate transmission stations to receive and store at least one of said plurality of units of audio or video programming for a period of time, wherein each of said plurality of intermediate transmission stations processes said predetermined intermediate transmission station capacities to identify **one of said plurality of storage devices at which to store said at least one of said plurality of units of audio or video programming, wherein said identified storage devices are different for each of said units of audio or video programming;**

controlling each of said plurality of intermediate transmission stations to transfer **said** at least one of said units of audio or video programming from **said identified** one of a plurality of storage devices to another of said plurality of storage devices, wherein each of said plurality of intermediate transmission stations processes said predetermined intermediate transmission station capacities and said data that identify said units of audio or video programming or subject matter included in said units of audio or video programming **for transferring said at least one of said units of audio or video programming from said identified one of a plurality of storage devices to said another of said plurality of storage devices**; and

controlling each of said plurality of intermediate transmission stations to transmit said received and stored at least one of said plurality of units of audio or video programming to at least one subscriber station based on processing~~; wherein each of said plurality of intermediate transmission stations is controlled based on said predetermined intermediate transmission station capacities and~~ said predetermined intermediate transmission station automatic processing information.

53. (Previously presented) The method of claim 52, wherein at least a portion of said predetermined intermediate transmission station capacities and said predetermined intermediate transmission station automatic processing information is processed according to a schedule, said method further comprising the step of transmitting a signal which operates at least one of said

intermediate transmission stations to communicate said schedule to one of a computer and a memory.

54. (Previously presented) The method of claim 52, wherein at least a portion of said predetermined capacities applies to a programmable device and said predetermined intermediate transmission station automatic processing information comprise operating instructions which program said device.

55-100. (Cancelled)

Park, Chan

From: Benson, Carl [CBenson@goodwinprocter.com]
Sent: Wednesday, September 29, 2010 11:25 AM
To: Park, Chan
Cc: Scott Jr, Thomas J
Subject: Application Serial No. 08/444,758
Attachments: NAUT 87 - Jun 2010 Proposed Amendment.DOC

Examiner Park,

Attached is a revised proposed amendment to the claims of Application Serial No. 08/444,758. The revisions address the concerns raise in our telephone conversation yesterday. Please let us have any comments or questions regarding these proposed amendments.

As set forth in MPEP 502.03, we recognize that Internet communications are not secure. According, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

<<NAUT 87 - Jun 2010 Proposed Amendment.DOC>>

Carl L. Benson
GOODWIN | PROCTER LLP
901 New York Avenue, N.W.
Washington, D.C. 20001
T: 202.346.4018
F: 202.346.4444
<www.goodwinprocter.com>

Park, Chan

From: Benson, Carl [CBenson@goodwinprocter.com]
Sent: Thursday, September 23, 2010 5:11 PM
To: Park, Chan
Cc: Scott Jr, Thomas J
Subject: Application Serial No. 08/444,758
Attachments: NAUT 87 - Jun 2010 Proposed Amendment.DOC

Examiner Park,

Attached is a revised proposed amendment to the claims of Application Serial No. 08/444,758. The revisions address the concerns raise in our telephone conversation earlier today. Please let us have any comments or questions regarding these proposed amendments.

As set forth in MPEP 502.03, we recognize that Internet communications are not secure. According, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

<<NAUT 87 - Jun 2010 Proposed Amendment.DOC>>

Carl L. Benson
GOODWIN | PROCTER LLP
901 New York Avenue, N.W.
Washington, D.C. 20001
T: 202.346.4018
F: 202.346.4444
<www.goodwinprocter.com>